

## Compliance Assessment Report CAR\_NRW0044004

**Permit being assessed:** CB3395CX.

**For:** Ystum Colwyn AD, **held by:** Ystum Colwyn Farms Ltd

**At:** Ystum Colwyn, Meifod, Powys, SY22 6XT.

**Type of assessment:** Site Inspection,

**Reason:** Routine.

**On:** 11/04/2024 between 10:40 and 12:15.

**Parts of permit assessed:** See report.

**NRW Lead Officer:** Kathryn Bradshaw, accompanied by Paul Challender.

**Report sent to:** Ed Gittins, Director/Owner, on 23/04/2024.

### 1. Summary of our findings (full details in section 4)

| Part of permitted activity assessed (compliance criteria)          | Assessment result | Permit condition   |
|--|-------------------|--|
| IR2A - Installations - Operations - Permitted activities           | Assessed (A)      |  |
| IR2B - Installations - Operations - The site                       | C3 Minor          | 3.2.3 - All liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment |
| IR1C - Installations - Management - Energy Efficiency              | Assessed (A)      |  |
| IR1D - Installations - Management - Efficient use of raw materials | Assessed (A)      |  |
| IR3C - Installations - Emissions and monitoring - Odour            | Assessed (A)      |  |
| IR4B - Installations - Information - Reporting                     | Action only (X)   |  |
| IR3E - Installations - Emissions and monitoring - Monitoring       | Action only (X)   |  |
| IR1A - Installations - Management - General Management             | C4 No impact      | 1.1.1 General Management   |

| Part of permitted activity assessed (compliance criteria) | Assessment result | Permit condition |
|---|-------------------|------------------|
| IR4B - Installations - Information - Reporting            | C4 No impact      | 4.2.3            |

Result types are explained in more detail in the 'Important Information' section below.

| Total non-compliances recorded | Total non-compliance score |
|--------------------------------|----------------------------|
| 3                              | 4.2                        |

How we use the non-compliance score to calculate your annual fee is explained in the 'Important Information' section below.

## 2. What action is required?

| Criteria | Action needed  | Complete by |
|----------|--|-------------|
| IR2B     | Place oils in a bunded container to prevent any leaks or spills entering the main drainage sump  | 03/05/2024  |
| IR4B     | Forward a copy of the land management assessment report once complete  | 28/06/2024  |
| IR3E     | Review Table 3.1 – Point source emissions to air – emission limits and monitoring requirements to ensure all emission points and parameters are monitored for this year. | 31/12/2024  |
| IR1A     | Review and update the site EMS and ensure that a copy of this is available in the site office alongside a copy of the permit   | 28/06/2024  |
| IR4B     | Forward the recovered output data of the last 3 quarters to NRW  | 10/05/2024  |

Compliance criteria codes are listed in the 'Important information' section below.

## 3. What will happen next?

Any non-compliance we have identified and recorded on this form is an offence. It can result in criminal prosecution and/or suspension or revocation of your permit.

### **You are non-compliant with your permit.**

**At this time, we are issuing you with a warning for the non-compliance recorded above. Warnings may influence future enforcement response for continued or further non-compliance.**

This statement does not stop us from taking additional enforcement action if further relevant information comes to light or offences continue.

## 4. Details of our assessment

This Compliance Assessment Report (CAR) has been raised in relation to the pre-arranged site inspection on 11<sup>th</sup> April 2024.

The site manager/owner accompanied us on a tour of the permitted area which comprises of the feedstock conveyor and macerator, primary digestate tank, secondary digestate

tank, two gas engines and biomass boilers. The whole area is fully concreted and bunded. The drainage for this area all goes to a low point at the slurry pit which provides the feedstock for the plant. The slurry pit contains a weir system so grit can be separated from the main feedstock. Grit is removed from the primary tank by a scraper then sent back to the slurry pit. This grit waste is then later spread on land.

The feedstock from the AD plant comes from the farms own waste, primarily chicken manure and bedding alongside cattle and sheep wastes. Water captured from the permitted area is used to mix the feedstock. The digestate produced from this process is separated into solid and liquid fractions. The liquid fraction is stored on the farm outside the permitted area in a lagoon, which was all in order. The solid fraction is stored on a concreted area. Both the solid and liquid fractions are spread on farms owned by Ystum Colwyn Farms Ltd.

We discussed the issue of capacity for digestate on the farms if the demand for digestate was reduced for any reason. It was explained that the farms were currently undergoing a land management assessment and a report would be produced.

### **Action**

**Forward a copy of this report to NRW once complete.**

Ferric chloride is dosed in the tanks to reduce the production of Hydrogen Sulphide to protect the gas engines, this IBC was being stored above the slurry pit, in case of any spillages. Oils are used for various parts of the plant and a pallet of these were being stored adjacent to the secondary digestate tank without any secondary containment.

**Score C3, Permit Condition 3.2.3 – all liquids in containers, whose emission to water or land could cause pollution, shall be provided with secondary containment.**

### **Action**

**Ensure all liquids in containers are stored with secondary containment by 3rd May 2024.**

The site then demonstrated the control system for the AD plant in the site office where there is continuous monitoring of meteorological conditions and the digester process and gas production. Data from this system is recorded on a SCADA system. Weekly monitoring of electricity produced, hot water produced and gas volume used is also recorded. Recovered outputs (digestate) from the process are also recorded but have not been forwarded to NRW as per permit Condition 4.2.3.

**Score C4, Permit Condition 4.2.3:**

**The operator shall keep records of the material exported from the site as non-waste including the type of material, the tonnage of material, the batch number and the date of export. This information shall be reported to Natural Resources Wales within one month of the end of each quarter and the records shall be maintained for at least 2 years.**

### **Actions**

- 1. Review Table 4.2 in the permit and ensure all parameters are reported to NRW by the specified timeframes going forward.**
- 2. Forward the recovered output data of the last 3 quarters to NRW by 10<sup>th</sup> May 2024.**

The use of the flare and burning any surplus gas was discussed, the site explained that any surplus gas is used in the on- site biomass boilers and is not flared.

The annual monitoring of the stacks on the gas engines and on the boilers which burn the biogas was discussed. The site has booked this year's monitoring already to ensure the results are communicated to NRW within the specified timeframe.

### **Action**

**Review Table 3.1 – Point source emissions to air – emission limits and monitoring requirements to ensure all emission points and parameters are monitored for this year.**

The site has a maintenance and servicing contract in place for the gas engines and a separate contract for the AD plant which provides them with a 24 hour call out facility if there are ever any issues with the plant. The site manager conducts daily walk rounds and checks of the plant and bunded area.

### **Technical Competence**

Mr Edward Gittins is the Technically Competent Manager (TCM) for the site who holds WAMITAB Level 4 for Anaerobic digestion who operates the plant and is on site every day.

### **Environmental Management System (EMS)**

A copy of the sites EMS was provided following the site visit to comply with Permit Condition 1.1. This requires a full review to ensure all the conditions of the new Standard Rules Permit, SR 2023 No 1 are met. There are also some gaps in the EMS which are highlighted in yellow in the document which need completing. There are several references to the old permit within the document which need changing. Several appendices are referenced but have not been provided. A copy of the permit was not kept in the site office.

### **Score C4, Permit Condition 1.1 General Management**

### **Action**

**Review and update the site EMS and ensure that a copy of this is available in the site office alongside a copy of the permit by 28th June 2024**

If you have any queries about this report, or to discuss completion of any actions, please contact the NRW Officer named above.

## Important information

### Legal status of this report

Your permit is issued to you under the Environmental Permitting Regulations. You have a responsibility to comply with the conditions of your permit and prevent pollution/harm of the environment. You must also ensure that you comply with any other relevant legislation that may apply to your site's operations.

This report explains the findings of our assessment and any action you are required to take. We categorise non-compliance using our guidance for assessing non-compliance at regulated sites.

When we find potential non-compliance/s we will normally give you advice on how to maintain compliance.

To correct non-compliance, we may:

- require you to take specific actions
- issue a notice
- review the conditions of your permit.

Any advice and guidance we give will be without prejudice to any other enforcement response that we consider may be required.

### Assessment results and non-compliance categories (used in section 1):

| Assessment result | Description   |
|-------------------|---|
| Assessed (A)      | Assessed or assessed in part, no evidence of non-compliance found |
| Action only (X)   | Action only relating to the activity assessment                   |
| Ongoing (O)       | Ongoing non-compliance, not scored                                |

| Non-compliance category    | Description   | Score |
|----------------------------|---|-------|
| C1 Major                   | Potential to have a major, serious, persistent and/or extensive impact or effect on the environment, people and/or property | 60    |
| C2 Significant             | Potential to have a significant impact or effect on the environment, people and/or property                                 | 31    |
| C3 Minor                   | Potential to have a minor or minimal impact or effect on the environment, people and/or property                            | 4     |
| C4 No environmental impact | Non-compliance at a regulated site that cannot foreseeably have any impact on the environment, people and/or property       | 0.1   |

### How we use assessment scores

The number and severity of non-compliances recorded in a year will affect your annual subsistence fee the following year. A non-compliance factor is added to your site's Operator

Performance Risk Appraisal (OPRA) score when we calculate your fee to reflect the additional resource we use to assess permit compliance.

### **If your assessment result in Section 1 is suspended, what does this mean?**

In line with our guidance, we may suspend scores for up to six months to allow time for remedial action to be taken. Suspended scores will be re-instated if the action is not completed.

### **Full list of Industry compliance criteria (used in section 1 and 2):**

#### **1. Management**

- IR1A – General management
- IR1B – Finance (only applicable to Landfill)
- IR1C – Energy efficiency
- IR1D - Efficient use of raw materials
- IR1E - Avoidance, recovery and disposal of wastes produced by the activities
- IR1F - Multiple operator installations

#### **2. Operations**

- IR2A – Permitted activities
- IR2B – The site
- IR2C – Operating techniques
- IR2D – Technical requirements
- IR2E – Improvement programme
- IR2F – Pre-operational conditions
- IR2G – Landfill engineering (only applicable to Landfill)
- IR2H – Waste acceptance (only applicable to Landfill)
- IR2I – Leachate levels (only applicable to Landfill)
- IR2J – Closure and aftercare (only applicable to Landfill)
- IR2K – Landfill gas management (only applicable to Landfill)

#### **3. Emission and Monitoring**

- IR3A – Emissions to water, air or land
- IR3B – Emissions of substances not controlled by emission limits
- IR3C – Odour
- IR3D – Noise and vibration
- IR3E – Monitoring
- IR3F – Pests
- IR3G – Air quality management plans
- IR3H – Monitoring for the purposes of the Industrial Emissions Directive (this heading includes Large Combustion Plants)
- IR3I – Fire

#### **4. Information**

- IR4A – Records
- IR4B – Reporting
- IR4C – Notification

### **Enforcement response**

Any non-compliance with a permit condition is an offence and we may take legal action against you. Action we take can include prosecution, serving a notice on you and/or

suspension or revocation of your permit. See our Enforcement and Sanctions Guidance for further information.

### **Data protection notice**

You should make sure that anyone named in this report knows that the information it contains will be processed by Natural Resources Wales to fulfil its regulatory and monitoring functions and to maintain the relevant public register(s).

We may also use and/or disclose the report in connection with:

- offering or providing you with our literature or services relating to environmental matters
- consulting with the public, public bodies and other organisations (e.g. Health and Safety Executive, local authorities) on environmental issues
- carrying out statistical analysis, research and development on environmental issues
- providing public register information to enquirers
- investigating possible breaches of environmental law
- assessing customer service satisfaction and improving our service
- Freedom of Information Act or Environmental Information Regulations requests.

We may also pass it on to our agents or representatives to do these things on our behalf.

### **Disclosure of information – this report will be available to view on-line**

If you think this report contains commercially confidential information that should not be placed on our public register, you must contact your local Natural Resources Wales office within **fifteen working days** of receiving this report, using the contact details in the accompanying email or letter. You must give a full explanation of why it should not be added to our public register, including specifying which information is commercially confidential. We will assess your request and respond to you within twenty working days to let you know if we agree to your request.

### **What do I do if I disagree with the report or have a complaint?**

If you disagree with this compliance assessment report, you should contact the lead officer without delay to discuss your concerns.

If you are unable to resolve the issue with the lead officer or their line manager you should contact our Customer Contact team on 0300 065 3000 (Monday to Friday 08:00 to 18:00), or email [enquiries@naturalresourceswales.gov.uk](mailto:enquiries@naturalresourceswales.gov.uk) for details of how to raise your dispute further through our Complaints and Commendations procedure.

If you are dissatisfied with our response, you can contact the Public Services Ombudsman for Wales by phone on 0300 7900203 or by email at [ask@ombudsman.wales](mailto:ask@ombudsman.wales)

### **Welsh Language Standards**

We are committed to establishing Natural Resources Wales as a naturally bilingual organisation. We will provide compliance reports in your preferred language.